

# **EXHIBIT D**

**General Docket**  
**United States Court of Appeals for the Ninth Circuit**

**Court of Appeals Docket #:** 20-73819  
George Mersho, et al v. USDC-AZP  
**Appeal From:** U.S. District Court for Arizona, Phoenix  
**Fee Status:** Due

**Docketed:** 12/30/2020  
**Termed:** 07/23/2021

**Case Type Information:**

- 1) original proceeding
- 2) non-paid mandamus/prohibition
- 3) null

**Originating Court Information:**

**District:** 0970-2 : [2:20-cv-01797-SPL](#)  
**Trial Judge:** Steven Paul Logan, District Judge  
**Date Rec'd COA:**  
12/30/2020

**Prior Cases:**

None

**Current Cases:**

None

In re: GEORGE MERSHO

VINCENT CHAU

STANLEY KARCZYNSKI

-----

GEORGE MERSHO  
Petitioner,

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STANLEY KARCZYNSKI, as the Nikola Investor Group II  
Petitioner,

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v.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ARIZONA, PHOENIX  
Respondent,

NIKOLA CORPORATION  
Real Party in Interest,

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Real Party in Interest,

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(see above)

In re: GEORGE MERSHO; VINCENT CHAU; STANLEY KARCZYNSKI,

-----  
GEORGE MERSHO; VINCENT CHAU; STANLEY KARCZYNSKI, as the Nikola Investor Group II,

Petitioners,

v.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA, PHOENIX,

Respondent,

NIKOLA CORPORATION; STEVE GIRSKY; STEVE SHINDLER; MARK RUSSELL; KIM J. BRADY; TREVOR R. MILTON; ANGELO BAIO; DENNIS J. STACY, Sr.; T3 TRADING GROUP; MAHJABIN DINYARIAN; ALBERT HOLZMACHER; MICHAEL WOOD; TATE WOOD; JOSEPH ROE; PATRICK BROSTOWIN; NAYANKUMAR PATEL; SHAHAB SANDHU; NIKOLA INVESTOR GROUP,

Real Parties in Interest.

12/30/2020	<input type="checkbox"/> <a href="#">1</a> 211 pg, 4.62 MB	ENTRY UPDATED (Attached Letter). ORIGINAL TEXT: FILED PETITION FOR WRIT OF MANDAMUS. DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. NOTIFIED REAL PARTIES IN INTEREST OF FILING. [11948887] . [11948887] --[Edited 12/30/2020 by BY] (BY) [Entered: 12/30/2020 02:06 PM]
01/04/2021	<input type="checkbox"/> 2	Filed (ECF) notice of appearance of Jeremy A. Lieberman (Pomerantz LLP, 600 Third Avenue, Floor 20, New York, NY 10016) for Petitioners George Mersho, Vincent Chau and Stanley Karczynski. Date of service: 01/04/2021. (Party was previously proceeding with counsel.) [11950329] [20-73819] (Lieberman, Jeremy) [Entered: 01/04/2021 07:54 AM]
01/22/2021	<input type="checkbox"/> 3	Terminated Unregistered Attorney Lauremce J Hasson for Shahab Sandhu in 20-73819. Counsel has filed non-opposition to requested relief in district court (DE 34) and will not be participating in this proceeding. [11975939] (SVG) [Entered: 01/22/2021 10:44 AM]
01/22/2021	<input type="checkbox"/> 4	Filed (ECF) notice of appearance of Bradley J. Bondi (Cahill Gordon & Reindell LLP, 1990 K Street, NW Suite 950, Washington, DC 20006) for Real Party in Interest Trevor R. Milton. Date of service: 01/22/2021. (Party was previously proceeding with counsel.) [11976770] [20-73819] (Bondi, Bradley) [Entered: 01/22/2021 11:18 AM]
01/22/2021	<input type="checkbox"/> 5	Filed (ECF) notice of appearance of Peter J. Linken (Cahill Gordon & Reindel LLP, 32 Old Slip, New York, NY 10005) for Real Party in Interest Trevor R. Milton. Date of service: 01/22/2021. (Party was previously proceeding with counsel.) [11977487] [20-73819] (Linken, Peter) [Entered: 01/22/2021 11:35 AM]
01/22/2021	<input type="checkbox"/> 6	Added Attorney(s) Peter J. Linken for party(s) Real Party in Interest Trevor R. Milton, in case 20-73819. [11978819] (RR) [Entered: 01/22/2021 04:10 PM]
01/29/2021	<input type="checkbox"/> 7	Terminated Unregistered Attorney Johnston de F. Whitman for Mahjabin Dinyarian in 20-73819 per counsel's email request. Client not participating in this proceeding. [11986357] (SVG) [Entered: 01/29/2021 02:08 PM]
02/11/2021	<input type="checkbox"/> <a href="#">8</a> 2 pg, 119.68 KB	Filed order (WILLIAM C. CANBY, SUSAN P. GRABER and MICHELLE T. FRIEDLAND): This petition for a writ of mandamus raises issues that warrant an answer. See Fed. R. App. P. 21(b). Accordingly, within 14 days after the date of this order, the real parties in interest shall file an answer. The district court may elect to file an answer with this court or to issue a supplemental order and serve a copy on this court. Petitioners may file a reply within 7 days after service of the answer. The petition, answer(s), and any reply shall be referred to the next available argument panel. See 9th Cir. Gen. Ord. 3.3(f). The Clerk shall serve this order on the district court and District Judge Steven P. Logan. [12001450] (AF) [Entered: 02/11/2021 05:22 PM]
02/18/2021	<input type="checkbox"/> 9	<p>This case is being considered for an upcoming oral argument calendar in San Francisco</p> <p>Please review the San Francisco sitting dates for June 2021 and the 2 subsequent sitting months in that location at <a href="http://www.ca9.uscourts.gov/court_sessions">http://www.ca9.uscourts.gov/court_sessions</a>. If you have an unavoidable conflict on any of the dates, please file <a href="#">Form 32</a> <b>within 3 business days of this notice</b> using the CM/ECF filing type <b>Response to Case Being Considered for Oral Argument</b>. Please follow the form's <a href="#">instructions</a> carefully.</p> <p>When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.</p> <p>If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter <b>within 3 business days of this notice</b>, using CM/ECF (<b>Type of Document:</b> Correspondence to Court; <b>Subject:</b> request for mediation).[12008683]. [20-73819] (KS) [Entered: 02/18/2021 03:01 PM]</p>
02/22/2021	<input type="checkbox"/> 10	Filed (ECF) notice of appearance of Gabor Balassa (Kirkland & Ellis LLP, 300 North LaSalle, Chicago, IL 60654) for Real Parties in Interest Kim J. Brady, Steve Girsky, Nikola Corporation, Mark Russell and Steve Shindler. Date of service: 02/22/2021. (Party was previously proceeding with counsel.) [12011642] [20-73819] (Balassa, Gabor) [Entered: 02/22/2021 12:08 PM]
02/23/2021	<input type="checkbox"/> 11	Added Attorney Gabor Balassa for party(s) Real Party in Interest Kim J. Brady, Steve Girsky, Steve Shindler, Nikola Corporation, and Mark Russell. [12012950] (DJV) [Entered: 02/23/2021 08:21 AM]
02/24/2021	<input type="checkbox"/> 12	Filed (ECF) notice of appearance of Robert K. Kry (MoloLamken LLP, 600 New Hampshire Ave. N.W., Suite 500, Washington, D.C. 20037) for Real Party in Interest Angelo Baio. Date of service: 02/24/2021. (Party was previously proceeding with counsel.) [12014476] [20-73819] (Kry, Robert) [Entered: 02/24/2021 05:42 AM]



- 02/24/2021 ☐ 13 Filed (ECF) notice of appearance of Laurence M. Rosen (The Rosen Law Firm, P.A. 355 S. Grand Ave. Ste. 2450 Los Angeles, CA 90071) for Real Party in Interest Angelo Baio. Date of service: 02/24/2021. (Party was previously proceeding with counsel.) [12014700] [20-73819] (Rosen, Laurence) [Entered: 02/24/2021 09:21 AM]
- 02/24/2021 ☐ 14 Filed (ECF) notice of appearance of Phillip C. Kim (The Rosen Law Firm, P.A. 275 Madison Ave. 40th Floor New York, NY 10016) for Real Party in Interest Angelo Baio. Date of service: 02/24/2021. (Party was previously proceeding with counsel.) [12015192] [20-73819] (Kim, Phillip) [Entered: 02/24/2021 12:15 PM]
- 02/24/2021 ☐ 15 Added Attorney(s) Robert Kelsey Kry for party(s) Real Party in Interest Angelo Baio, in case 20-73819. [12015760] (RR) [Entered: 02/24/2021 03:53 PM]
- 02/24/2021 ☐ 16 Added Attorney(s) Phillip Kim for party(s) Real Party in Interest Angelo Baio, in case 20-73819. [12015775] (RR) [Entered: 02/24/2021 03:57 PM]
- 02/25/2021 ☐ [17](#) Filed (ECF) Real Party in Interest Angelo Baio answer to Writ of Mandamus petition. Date of service: 02/25/2021. [12016229] [20-73819] (Kry, Robert) [Entered: 02/25/2021 08:33 AM]  
50 pg, 2.83 MB
- 03/04/2021 ☐ 18 COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [19](#). Original Text: Submitted (ECF) Reply Brief for review. Submitted by Petitioners Vincent Chau, Stanley Karczynski and George Mersho. Date of service: 03/04/2021. [12024483] [20-73819] (Block, Jeffrey) [Entered: 03/04/2021 01:32 PM]
- 03/04/2021 ☐ [19](#) Filed (ECF) Petitioners Vincent Chau, Stanley Karczynski and George Mersho reply to answer to Writ of Mandamus petition. Date of service: 03/04/2021. [12024949]--[COURT ENTERED FILING to correct entry [18].] (SLM) [Entered: 03/04/2021 04:02 PM]  
19 pg, 106.07 KB
- 03/05/2021 ☐ 20 Filed (ECF) notice of appearance of Michael D. Gaines (Block & Leviton LLP, 260 Franklin St., Suite 1860, Boston, MA 02110) for Petitioners Vincent Chau, Stanley Karczynski and George Mersho. Date of service: 03/05/2021. (Party was previously proceeding with counsel.) [12025365] [20-73819] (Gaines, Michael) [Entered: 03/05/2021 07:42 AM]
- 03/05/2021 ☐ 21 Added Attorney(s) Michael D. Gaines for party(s) Petitioner George Mersho Petitioner Vincent Chau Petitioner Stanley Karczynski, in case 20-73819. [12025617] (JFF) [Entered: 03/05/2021 10:08 AM]
- 04/04/2021 ☐ 22 Notice of Oral Argument on Friday, June 18, 2021 - 09:00 A.M. - Courtroom 3 - Scheduled Location: San Francisco CA.  
The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, any argument **will** be held with **all** attorneys appearing remotely by video or telephone. The court **strongly prefers** video arguments whenever possible. Travel to a courthouse will not be required. If the panel determines that it will hold oral argument, the Clerk's Office will be in contact with you directly at least two weeks before the set argument date to make any necessary arrangements for remote appearance.

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the [ACKNOWLEDGMENT OF HEARING NOTICE](#) filing type in CM/ECF no later than 21 days before Friday, June 18, 2021. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice. [12062852]. [20-73819] (KS) [Entered: 04/04/2021 06:10 AM]

- 05/28/2021 ☐ 23 Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Robert Kelsey Kry for Real Party in Interest Angelo Baio. Hearing in San Francisco on 06/18/2021 at 09:00 A.M. (Courtroom: Courtroom 3, 3rd Floor Rm 307). Filer sharing argument time: No. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 05/28/2021. [12127683] [20-73819] (Kry, Robert) [Entered: 05/28/2021 07:54 AM]
- 05/28/2021 ☐ 24 Filed (ECF) Acknowledgment of hearing notice by Attorney Jeffrey Craig Block for Petitioners Vincent

Chau, Stanley Karczynski and George Mersho. Hearing in San Francisco on 06/18/2021 at 09:00 A.M. (Courtroom: Courtroom 3, 3rd Floor Rm 307). Filer sharing argument time: No. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 05/28/2021. [12127710] [20-73819] (Block, Jeffrey) [Entered: 05/28/2021 08:29 AM]

- 05/29/2021 ☐ 25 Filed (ECF) Acknowledgment of hearing notice by Attorney Gabor Balassa for Real Parties in Interest Kim J. Brady, Steve Girsky, Nikola Corporation, Mark Russell and Steve Shindler. Hearing in San Francisco on 06/18/2021 at 09:00 A.M. (Courtroom: Courtroom 3). Filer sharing argument time: No. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 05/29/2021. [12128778] [20-73819] (Balassa, Gabor) [Entered: 05/29/2021 06:55 PM]
- 06/18/2021 ☐ 26 ARGUED AND SUBMITTED TO MILAN D. SMITH, JR., LAWRENCE VANDYKE and ANDREW P. GORDON. [12148045] (KT) [Entered: 06/18/2021 10:25 AM]
- 06/18/2021 ☐ [27](#) Filed Audio recording of oral argument.  
1 pg, 7.76 MB **Note:** Video recordings of public argument calendars are available on the Court's website, at <http://www.ca9.uscourts.gov/media/> [12149291] (BJK) [Entered: 06/21/2021 12:30 PM]
- 07/23/2021 ☐ [28](#) FILED OPINION (MILAN D. SMITH, JR., LAWRENCE VANDYKE and ANDREW P. GORDON) We grant Mersho, Chau, and Karczynski's petition for a writ of mandamus to the extent it seeks to vacate the district court's order appointing Angelo Baio as lead plaintiff. We remand to the district court to redetermine the lead plaintiff in a manner that is consistent with this opinion. WRIT GRANTED IN PART. Judge: APG Authoring. FILED AND ENTERED JUDGMENT. [12180906] (AKM) [Entered: 07/23/2021 08:08 AM]  
21 pg, 221.38 KB
- 09/20/2021 ☐ [29](#) Filed (ECF) Real Party in Interest Angelo Baio Correspondence: inquiry regarding mandate. Date of service: 09/20/2021 [12233170] [20-73819] (Kry, Robert) [Entered: 09/20/2021 12:53 PM]  
1 pg, 147.99 KB

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